

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATION
INTER-OFFICE MEMO**

April 17, 2007

TO: Beverly Najarian, Director

DEPT: Administration

FROM: Walter Craddock, Esq.

DEPT: Division of Motor Vehicles

SUBJECT: HEARING BOARD RESULTS

Please be advised of the following matters which were heard before the Board on Thursday April 12, 2007. Also be advised the following people were present during the hearing: Joseph I. Monteiro, Chief, Enforcement/ Regulations and Legal Counsel Marcy Coleman, Esq., Division of Legal Services and the hearing Board members: Walter Craddock, Esq., James Botvin, Thomas Ricci, Dennis Gertsmeier and Lt. David Palmer of The Rhode Island State Police.

**MEETING OF APRIL 12, 2007 AT 9:00 AM
DIVISION OF MOTOR VEHICLES- 100 MAIN ST. PAWTUCKET, RI
02860**

1. BIG LOT AUTO SALES (Edward P. Tarbox, Pres.)

FIRST APPLICATION:

TO DEAL IN “USED” MOTOR VEHICLES ONLY

AT: 870 QUAKER LANE, WARWICK, RI 02886.

DECISION: Approved subject to receiving second hand license from the city of Warwick and a site inspection. Three (3) dealer plates have been approved.

2. GEMINI AUTO SALES (Robert Menella, Jr. Member)

REQUEST FOR 5 ADDITIONAL USED DEALER PLATES.

LICENSED SINCE 05-05-04; HAS 3 PLATES.

DECISION: Four (4) additional dealer plates have been approved subject to the dealer maintaining six (6) employees and maintaining a minimum of two hundred forty (240) vehicle sales per year.

3. SHERI MANGILI V. NEMO AUTO SALES (Vincent Volpe II, Pres.)

COMPLAINT / SHOW CAUSE HEARING

1ST CONTINUED HEARING

Decision: Lt. David Palmer recused himself from this hearing. The Board has determined that Nemo Auto Sales is in violation of RIGL § 31-5-11(10), unconscionable business practices based on the fact that the vehicle was sold by a non-employee at a site off the premises.

The Board has decided that Nemo Auto Sales will refund the amount of \$15,615.25 to the Consumer and the Consumer will return the vehicle and title to Nemo Auto Sales. This amount is the result of the initial price of \$18,500.00, minus \$2268.75 credit for mileage by the Consumer and \$616.00 credit for the payments made by the dealer on behalf of the Consumer.

HEARINGS BOARD RESULTS

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The Board has also determined the Nemo Auto Sales was in violation of the following RI Rules and Regulations and is required to pay the amounts indicated, which totals \$200.00, to the Dealers' License and Regulations Office.

Fine: \$100.00: RI Rules and Regulations Sec. VI Paragraph (L): Non-employee allowed to sell vehicle.

Fine: \$100.00: RI Rules and Regulations Sec. VI Paragraph (Q): Vehicle sold from location other than the dealers' place of business.

4. FLEETWAY SALES & SERVICE (John E. Anderson, Pres./ Joshua

Teverow, Esq.) V. AUTOCAR, LLC (James A. Johnston, Pres./ Joseph De Angelis, Esq.)

COMPLAINT / SHOW CAUSE HEARING.

POSTPONED.

5 LETTER FROM DAIMLERCHRYSLER ON RELOCATING OF CHRYSLER & JEEP FRANCHISES.

QUESTIONS ON “WAIVERS”.

FOR DISCUSSION ONLY.

DECISION: Hearing schedule for May 10, 2007 to address the question of proper notification.

6. LETTER FROM BALISE KIA/NISSAN REGARDING EXCHANGING KIA’S PLATE & NISSAN’S PLATE.

DECISION: Granted the transfer of plates series 100 A-M to Balise Nissan and issuance of additional plates 100 N-Z. Subject to a letter of clarification of the surrender of the KIA dealership and the return of dealer plate series 96 A-Z issued to Balise Nissan.

7. BOBBY D’S CYCLE SERVICE (Robert P. D’Ambra, Sole-Owner) SHOW CAUSE HEARING.

DECISION: Based on the fact that this is the second offense in the

past two months in the violation of the RIGL§ 31-5-11(10), unconscionable business practices and RI Rules and Regulations Sec. VI Paragraph (L): Non-employee allowed to sell vehicle and RI Rules and Regulations Sec. VI Paragraph (Q): All vehicles on display must be owned by the dealership.

The license for Bobby D's Cycle has been suspended for 90 days. Dealer plates must be returned to the Dealers' License and Regulations Office within 10 days of receipt of notification of this decision.

Walter Craddock, Esq. Chairman

Cc: Charles Dolan, Administrator, DMV

John DiTomasso, Assistant Administrator, DMV

Joseph I. Monteiro, Chief Enforcement/Regulations, DMV

Marcy Coleman, Esq., Division of Legal Services, DOA

File